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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CITY AND COUNTY OF SAN
FRANCISCO, et al.,

Plaintiffs,

vs.

PURDUE PHARMA L.P., et al.,

Defendants.

Civil Case No. 3:18-CV-07591-CRB

**OBJECTIONS TO THE
DECLARATION OF SWATI
PATEL**

Courtroom: 6
Hon. Charles R. Breyer

1 Defendant Walgreen Co. (“Walgreens”) hereby submits its objections to the Trial
2 Declaration of Swati Patel, Pharm.D (“Patel Declaration”). Walgreens objects to Ms.
3 Patel’s testimony because she was not included on Plaintiff’s witness list when that list was
4 due on February 28, 2022. Plaintiff did not add Ms. Patel to its witness list until months
5 later, after serving her declaration on May 4. Plaintiff has provided no basis to add her as
6 a trial witness belatedly. Nor is there one. She is an employee of the City’s Department
7 of Health, she served as a Rule 30(b)(6) witness in this case, and Plaintiff’s counsel
8 represented her at her deposition. Plaintiff has known of Ms. Patel and her role in this case
9 throughout discovery.

10 Walgreens also objects to several portions of Ms. Patel’s testimony for lack of
11 foundation. Ms. Patel makes several statements about Walgreens without personal
12 knowledge. She compares Zuckerberg Outpatient pharmacy to Walgreens multiple times,
13 but her testimony does not establish any basis for her knowledge of how Walgreens
14 operates. *See* Patel Declaration at 2:11–12 ([Zuckerberg’s] Outpatient Pharmacy comes
15 closer to a retail pharmacy, but it is still very different from Walgreens.”); *id.* at 2:21
16 (“Unlike a retail chain pharmacy like Walgreens . . .”). Ms. Patel also describes Walgreens’
17 intentions and strategy in this case. (“Throughout this case, Walgreens has sought to
18 compare [Zuckerberg’s] pharmacies to Walgreens.”). Ms. Patel’s statements are mere
19 speculation and should be excluded accordingly.

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1 DATED: May 5, 2022

Respectfully submitted,

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